

The following is a verbatim transcript of the Ordinance, Rules & Claims Committee meeting, pertaining to the zoning code, held January 6, 2003.

Mr. Snyder: I'd like to call the council meeting of the whole for Monday, January 6, 2003 to order. First thing on the agenda is Ordinance, Rules and Claims - Chairman Osborne.

Mr. Osborne: Thank you Mr. President. I'm going to have two issues on the agenda tonight. I need to amend the agenda. Not only do I want to address the zoning ordinance, I'd like to amend the agenda to include an appropriation next week for an additional \$4,000.00. We won't need - we're estimating about \$1,600.00 to finish the zoning. That's for the D.B. Hartt, it came out in your packet or your box later this afternoon, a breakdown on the additional expenses - and actually I don't have mine right with me, but it's a 700 for making the revisions that Mr. Hemminger and former Chairman Magel worked so hard on last year or year before last now ... time is slipping by us. They're estimating maybe possibly one more meeting with council or the city at 350. And anyway I figure I'd just make it a round \$4,000.00 and we'll be covered and they will bill us as shown on that schedule what they estimate. So I'd like to amend the...

Unidentified: Inaudible... can't we do by a purchase order?

Mrs. Herr: Yea.

Mr. Osborne: agenda.

Mr. Snyder: That'd be "b" under ...

Mr. Osborne: That'd be a "b" if you want to call it that and we'll call it appropriation for zoning completion with a...

Mrs. Herr: Excuse me Jon and Chuck, we don't need to have an appropriation for that. I mean we can just take that out of existing budget.

Mr. Osborne: Okay.

Mrs. Herr: as long council is okay with spending that additional amount and then we would just do it with a purchase order.

Mr. Osborne: Okay, thank you.

Mrs. Herr: So we don't need legislation as long as you know council doesn't have a problem with spending the additional funds for this project.

Mr. Osborne: Oh, we don't need the legislation?

Mrs. Herr: But we don't need legislation.

Mr. Osborne: Just a resolution that...

Mrs. Herr: Just - not even a resolution just an acceptance that you know

Mr. McLaughlin: A voice...

Mrs. Herr: there's no problem with spending the additional money and then we'll just do it with a purchase order.

Mr. Osborne: Okay. Do you want a voice ...

Mrs. Herr: That's fine.

Mr. Osborne: affirmation for that? Is that okay Mrs. Magel?

Mrs. Magel: I guess my question is, attending one meeting with council ...inaudible... is that the one meeting we already had or this is an additional?

Mr. Osborne: No mam. If there is a needed additional meeting, that will be the expense of coming back down here again and meeting with either the City Engineer and Mr. Hemminger or Council or both.

Mrs. Magel: Okay, so this isn't the meeting of the 18th?

Mr. Osborne: No mam.

Mr. Snyder: That, Mrs. Magel, has been billed to the city and paid. So we are current at this present time.

Mrs. Magel: Okay.

Mr. Snyder: We just - so we're in good shape. This 1550 proposal is over and above the original ordinance and ...

Mr. Osborne: These are anticipated charges. Thank you Mr. President. To finish this seven year effort - and by the way I did - let's just go ahead and get a voice on that.

Mrs. Magel: Well did you say 4,000 or 15...

Mr. Osborne: I'm going to request 4,000, it's more than ample as Mr. Hemminger has delineated. But if there's any changes, 500 bucks or whatever...

Mr. Snyder: May I interject one thing - I apologize. Basically what you're going to - what you're saying is you're looking at the potential of 1550. Provided it's under the statutory limit, you can cut a PO for it. Is that correct? If it's under 15,000.

Mrs. Herr: Yes.

Mr. Snyder: Inaudible... so you have - you have no problem. You're requesting additional 1550, but possibly would you be kind enough if it would exceed any of this to bring it back?

Mr. Osborne: We can do that since we don't have to have legislation and all of that.

Mr. Snyder: That way they'll know exactly. So you're, at this present time, asking for the full 1550.

Mr. Osborne: Yes.

Mr. Snyder: If it exceeds that would you be kind enough just to bring it before the ...

Mr. Osborne: That'd work just fine.

Mrs. Magel: That works for me.

Mr. Snyder: that way they'll know where they're at all the time.

Mr. Osborne: Okay.

Mr. Snyder: Is that - will that be fine?

Mr. Osborne: That's ...inaudible...

Mr. Snyder: Okay? That would...

Mr. Osborne: I just thought since we had to ...

Mr. Snyder: That's alright. Well you...

Mr. Osborne: appropriate fifty grand to start with we'd need the whole ball of wax to...

Mr. Snyder: Well we're within the statutory limits of 15,000...

Mr. Osborne: Of 15. Okay.

Mr. Snyder: So we'll be fine on that. Okay.

Mr. Osborne: Okay.

Mrs. Magel: Rick had a comment.

Mr. Osborne: Go ahead Mr. McLaughlin.

Mr. McLaughlin: Yea, I do like the idea of definitely having another reading because there's a few people that I talked to that couldn't make it back in December. But I'd like to have that well publicized because there's some people that still wants some input on the RV's and few other things. That was one of the things that they wanted to come in and voice some comments and everything else ...

Mr. Osborne: You're kind of getting ahead of me here. There will be a public hearing.

Mr. McLaughlin: Okay.

Mr. Osborne: In fact I was talking to Member Kiesling earlier. If anybody didn't make the meeting I was maybe going to request and Mrs. Kiesling suggested...

Mrs. Kiesling: I did, I requested it.

Mr. Osborne: that we ...

Mrs. Kiesling: Inaudible...

Mr. Osborne: have a transcript of the ...

Mrs. Kiesling: there'll be a transcript of that meeting.

Mr. Osborne: that meeting. And I did send out a summary that should of been in everybody's packet summarizing Mrs. Hopkins' key points. Did everybody get the memo?

Mr. Snyder: I think it's this second or first page ...inaudible...

Mr. Osborne: Well it's actually in the packet as well?

Mrs. Kiesling: Inaudible... it's in the packet.

Mr. Osborne: Okay. I'd like to say the PRD this originated back in the early drafts of this zoning. There's been no changes made or substantial changes to the code in over two years that I know of. This is a code that was developed. It's been fine tuned through the efforts, first of all of Councilperson Magel. She put the spotlight on Mr. Hemminger to go through the rewritten code with a fine tooth comb and that's what has transpired all of last year. And Mr. Hemminger made fine notes. He has taken those concerns, either if there's something he doesn't understand or something he would suggest or something - some concern, and he met with D.B. Hartt last - Mr. Held was that in April, late March? I can't remember.

Mr. Held: That Gene Hemminger met with D.B. Hartt?

Mr. Osborne: Right.

Mr. Held: I can't recall.

Mr. Osborne: I wasn't able to make the meeting. But anyway, they spent the good part of the year making these corrections. So the code has not changed. This is something that has substantially stayed the same - they're just tweaking for over two years. Now the concern is with the PRD - and so I had Mrs. Hopkins come down from D.B. Hartt. They're the consultants that the city hired back in '97 I guess it was. This has been going on for a long time. And some of the highlights of her presentation concerning the PRD's is the benefits to any municipality is, any housing development under a PRD requires the

creation of a declared open space. Now based on the meeting we had on the 18th of December, Mr. Hemminger has inserted a 30 percent open space. There was a plug figure in there of 10 percent, I don't know how that ever got in there, but that's 30 percent. Under the city's current zoning code, housing developments generally result in just the wholesale clearing of a piece of property. In this way the city can work with a developer and work around certain terrain features that possibly enhance the development and yet not penalize the developer. Secondly, municipalities maintain ongoing control of all building construction, plans and they can implement changes as the process goes on. PRD allows the developer the flexibility to maintain unique terrain ...inaudible... which as I said earlier, and allows him to preserve them. And I guess probably a key point, cause there's been some comparisons to Jackson Township's experience with PRD's, and the PRD approval process between a township and a municipality are totally two different animals. A township does not have total control of the process from A to Z. The county controls the first part of the process which is basically the subdivision of the lands. The only control that a township has and this is by state law, is the township designates the zoning. So you cannot compare our experience or our expected experience with a PRD with a township, whether it be Plain or Jackson or wherever. A city or municipality like North Canton has total control of the entire process, the subdivision of the lands and the subsequent zoning of those lands. So there is no you know, no comparison. And when I e-mailed a copy of this to Kris Hopkins, because I wanted to be factually correct on this, I don't want to be spreading misinformation, the only change she made to this is under that one bullet that there's a significant difference between the PRD process in a township and a municipality. So there's no comparison. And then as Kris pointed out, North Canton's proposed zoning is density neutral, meaning that there is no benefit to the developer. He's not going to cram more homes by using a PRD approval process over the standard R50, R70 zoning. But there is a balance. I mean if the developer has to work around terrain features rather than wiping out the property and starting from a clean slate, he's able to keep those terrain features which really enhance the character of the city and of his development and yet not be penalized by losing the number of homes that he can put on there. So I wanted to mention that. I'm asking - and as I mentioned also in that summary, the Chairman of the Planning Commission, told me at a Planning Commission meeting back in November, that this is a tool, a very good tool to work with for the Planning Commission. And at this meeting on the 18th, Mr. Flechtner reiterated that and there was another member of the Planning Commission, Steve Pachmayer, that came up and also affirmed the benefits of the PRD for the Planning Commission to help them do good things for the city. And Mr. Gene Hemminger, our Superintendent of Permits & Inspection, is also in support of the PRD. It will give them the tools to do what they need to do to protect the city and homeowners throughout the city. So I'm only relying on what the previous chairman put into this zoning code, what has been reviewed with a fine toothed comb over the last two years and on the recommendations of the Chairman of the Planning Commission. And the Planning Commission has already seen this code and approved it and recommended it. So if we immediately start moving ahead with this zoning code, the approval process, the - we're going to have a public hearing, I'm - I would tentatively like to schedule it for March 3rd. If we keep this time table, the soonest we can get this code on the books is mid May. Now I think everybody here on council knows the city is really exposed right now. We've had issues come up that have ensnared the city, caused turmoil and I guess I need to bring up an issue right now and I hope I'm not being premature Mr. President, we have a situation developing now that the city is totally exposed on and it's the sale of Arrowhead Country Club.

Mr. Snyder: Mr. Osborne, I would ask you at that time, and I apologize to you, but I would ask you not to...

Mr. Osborne: Okay.

Mr. Snyder: enter into that because at this point that's really a private land sale that we're not involved in. The only reason I'm saying that, we're just, you know, that's up to them. So if you would be kind enough not to go down that road I would...

Mr. Osborne: Okay.

Mr. Snyder: I would appreciate that.

Mr. Osborne: Well I guess I could just say if there's any development here in the city, the city is very exposed on what can be done and not be done on the properties. A few questions were posed to me today and I would just like to review them. I mentioned that the 30 acre set aside for green space. And I had a very good question from Member Kiesling that talked about - she wanted to know what would be

considered for green space. And in the proposed code, 1133.11(I), it talks about very clearly what is considered green space, what not - what would not be considered green space. I won't go over that, but that is the item. I think everybody has a copy of the code. It's 1133.11, item I, it talks about what would be allowed as green space, what would not be allowed as green space, what would be considered. I think we need to launch this and take it out for a spin. It's not going to be perfect. And I would like council's indulgence to move ahead with this. Mr. Hemminger has told that he could have everything all - a complete code printed up in two to three weeks and we could at that time schedule a public hearing. And with the three readings and the 30 days and all this, again we're talking half of the year going by before we can implement this and safeguard the city from further issues that have been unfortunate. So if I could - anybody else? Mrs. Magel...

Mrs. Magel: Oh yes. First of all I need to clear something up - actually several things. Here's the rest of the story. I did nothing in the last 12 months. It's been indicated that I worked on changes with D.B. Hartt, I did not. I was not on the head of this committee this year. I was for the previous two years. But that's a misunderstanding that I worked on this this year, I did not. Second misunderstanding, we're working on the previous chairman's recommendation. If you're working on the previous chairman's recommendation, we're going to take this off the books right now. It's not ready. That's been my recommendation and I don't know how anybody could mis-clued on that one. Clearly, and I thank god that there was one voice on this council and it was mine, that read that there was 10 percent. And at least now we're going to say it's 30 percent. At least - if I could of done at least that much to save this city from this terrible PRD, I'll be proud of myself. Ten percent was inexcusable and I've been telling you this for three years. Thank god somebody listened. It stated very clearly what open space is? No wonder you didn't read it. No it's not stated very clearly at all. Should it include water? Should it not include water? It's never been stated. It's not defined and it's - what is defined is poorly defined. Third thing - after the meeting on the 18th, everyone was discussing that they were for a PRD. No one was discussing they were for this PRD. I don't think anyone in this city is willing to stand up and say this is North Canton's PRD. Because Jackson has one and Plain has one and by god me too. We have to have a me too. It took Jackson three years to change their PRD. Who's the one person who wrote their PRD? D.B. Hartt. Who wrote our PRD? D.B. Hartt. I think you've been reading in the paper they're having some problems, they made a mistake. I'm trying to make sure that North Canton will never ever make that mistake. We don't have the land to do such a mistake. We're not, as you pointed out, we're not a township, we're a city and we have to protect what we have and move slowly on what we're doing. After that meeting on the 18th, chairman of planning came up to me and said, one thing that's missing from this PRD, it never came to an elected official. The final say so is in planning. The very people that voted for us, that we're supposed to protect have no say. This Planning Commission is not - those people are not voted on. We're the ones that have to face the people. We're the ones that represent our citizen. We should have the last say so in this and protect and listen to them. Listen quietly to them, don't just hear them, listen to them. A lot of these PRD's have been abusive. And it's very vague and it's up to us to be responsible and tighten this up so that it always will be controllable. You have to have rules to live by. None of this even says - a unit doesn't even have to be on a lot. I could go into this PRD all night long. We've already wasted two and a half hours December 18th, the week before Christmas, and we got nowhere. And all I'm asking, there is no PRD that I'm aware of at planning right now. Simply take this section out of the book - take it out. Let's go along with the proposed zoning the rest of the book like we need to do. We need to be responsible for the rest of zoning. We can't concentrate solely on PRD's. After all it's new to this council, it's new to this city. It's a fairly new concept state wide. We have the time to set it aside. There is no PRD at planning's feet right now. But what we're doing is we're going to hold up the rest of this book. All I say is take the PRD out. Let's take the time to do it right.

Mr. Osborne: Mrs. Magel, you chaired this committee in 19...

Mrs. Magel: I'm not done.

Mr. Osborne: I'm sorry.

Mrs. Magel: Unlike you I take a breath sometimes. I have no idea what I was saying. I would ask that the rest of council please, let's please deal with the PRD correctly. We are in no hurry for this. Jackson has made a mistake, Plain has made a mistake, I want to make sure we don't make a mistake. It's very new, it is complicated. We need to take it out, look at it as itself, of and at itself, so we can study it and get the right procedures down. Maybe look around the rest of the community. I can show you some on Brunswick that has 40 percent. Clearly will you not listen to me, as of yesterday we had 10 percent in our PRD. And if it wasn't for me jumping up and down, 10 percent would of been in this book. Here I am telling you there are other problems, beaucoup. I don't want to waste any more time. I want to take it out of the book so we can spend hours and hours on it when we need to. In the meantime, please advance forward the rest of our zoning code, which is our responsibility to do. Thank you Mr. Osborne.

Mr. Osborne: Thank you Mrs. Magel. As I was saying, you chaired this committee in 1999 and 2000. I guess I would just ask you at this time, why didn't you pull this PRD out of there two years ago?

Mrs. Magel: I don't work as an individual, I'm one of seven people.

Mr. Osborne: You never spoke up about removing it two years ago.

Mrs. Magel: How would you know, you weren't on council.

Mr. Osborne: Well can you tell me, did you - were you concerned two years ago, three years ago when you chaired the committee?

Mrs. Magel: Council, have I expressed a problem with the PRD since the day of inception? Have I?

Mr. Foltz: Yes, I would...

Mr. McLaughlin: Yes, she has.

Mr. Osborne: Well I'm sorry to hear that you think we wasted two and a half hours the other night. We had experts here, we had our Planning Commission here, we had our Zoning Board of Appeals here, we had our Superintendent of Permits and Inspection. I have had no input in this code. Our Superintendent of Permits and Inspection has spent the year making the corrections, as I mentioned earlier. This is the code that was turned over to me. We're well into our sixth year. Nothing is going to be perfect. And Mrs. Hopkins delineated the benefits of the PRD. There's really no reason - it's not going to be carved in stone, it can be modified and changed. There are allusions to Jackson. We are - there's no comparison to Jackson. As I said, Mrs. Hopkins emailed me back after I gave her a copy of this memo and she said she stated the only change I would make is under a comparison between a township and a municipality, they're significantly different animals. The process is totally different, municipalities have control of the entire process and she listed all the benefits. And I'd just like to see - let's get this out of the chute. The Planning Commission has seen it. Their duty is to protect the city - do what's good for the city in molding and guiding the growth of the city. So I don't know why this has got to be an emotional hysteria here. They provided sound facts the 18th. I have no vested interest. This isn't anything I - I didn't add one word to this code. This was in your committee for two years, you could of yanked it without even consulting council

Mrs. Magel: I beg your pardon. I'm one of seven, I would of never of done that.

Mr. Osborne: Well it's going to come...

Mrs. Magel: You would of.

Mr. Osborne: It's...

Mrs. Magel: I never would of done such a thing.

Mr. Osborne: It comes back to council for a final approval anyway. And ...

Mrs. Magel: No council, I would never of done that without your...

Mr. Osborne: Well it's come to council with Planning Commission's recommendations and I'd like to open it up to the rest of the council and...

Mr. Snyder: I want to - I may say something as a member of the committee if I could please. And it seems to me that we're already beginning the year here off on the wrong foot. And may I offer some form of compromise.

Mrs. Kiesling: Definitely.

Mr. Snyder: At the present time and no disrespect to Member Lindower, but I think I'm the only councilman here who has ten acres of open space at ...inaudible... in his ward ...inaudible... to worry about it. However, you know, in the spirit of some type of - some way to compromise, we need the zoning and possibly we need the PRD. I would hate to presume ... I'm going to do it anyway, please indulge me, but I don't think there's sufficient votes to move it ahead any further the first reading. So consequently it's - we're just - I won't use the word political, but we would be spinning our wheels so to speak. To try - if we could get it out of committee and move to the first reading next week it would be defeated, we'd have to start the process all over again. And as elected officials we do have both a moral and a fiduciary obligation to the people. Is there some middle ground here that we may reach that we move ahead with it and I would ask that the both of you, whether you communicate by phone or email or fax, to spend the next two or three weeks or so with the input of this - of company and these proposed things and somehow bring the PRD. Mrs. Magel brings up a very good point, I would hate to see the control of zoning, even that some people think that the city could become almost like a gestapo, but it should be the elected official's duty that represents the ward or the place where it's at to have the final say. That allows the people the right to form either a referendum or to telephone at least their ward or council at large representative to express their feelings. And to disenfranchise the public of the input of what they should have is not fair to the public. As we know what's going on in the northern - eastern part of the city or the township up here and possibly other places in the city. But I think that there's a possibility, what I've heard here, Mrs. Magel feels that there's a potential for a PRD, you feel very strongly and other members of council I think feel very strong that the proper PRD would probably work in the community of North Canton. We must tailor it for our own community. But to not have input of the City Council nor disenfranchise the electorate from being able to put in, I don't think that would be in our best interest. But if we could move it along and I'm only asking, I'm only asking at this point, do we feel that we - that that would be an appropriate way to approach it. And I would at this point defer to council, because as long as I've sat here I could tell you Mr. Osborne, and I say that respectfully, I don't think it will travel sir much further than next Monday night. And I don't - both the work of Mrs. Magel and yourself have put in this, as well as the fifty odd thousand dollars and the time, I think it's time that move towards doing the right thing. And I think this year 2003, we can all compromise as seven adults and let's please, let's try to - I would ask each one of you and I'm sure you'll do that. I see six heads shaking. So if I may ask you that and both of you to collectively work on that and address those areas, should there be a definite defined ... I'm sorry I don't know a lot about it, so I can't offer you...

Mr. Osborne: Well your implication - I'm sorry to ...

Mr. Snyder: Yea...

Mr. Osborne: interrupt here. But the process doesn't change. We continue to have Planning Commission recommendations, it comes back to council. It's not like we're giving up control, we're giving up input from the elected officials, we're giving up input from the...

Mr. Snyder: I think it states in here - it does. It just says the Planning Commission shall review the proposed PRD and design layout and development and assure that. That's it then, it does not return very much as anything is zoned today, as you alluded to under parks and institutions, it falls under R50 and R70 it does not come before planning - only the site plan. And the same with this, it will come as site plan ...inaudible... the Planning Commission, five members appointed by the mayor, would approve it or disapprove it. And the only way it would come before council is to approve or disapprove what they've approved or disapproved. So it requires five votes either way - four votes to approve, five to override, otherwise we would not have an input. And I don't believe - I would defer to Mr. Batista, ... that's not -

you cannot put a referendum against the Planning Commission decision ...inaudible...

Mr. Batista: No, it's not ...inaudible...

Mr. Snyder: I mean I'm not encouraging and I say that respectfully, I'm not trying to be funny, but ideally you don't want to disenfranchise the public. There's a middle ground for everything.

Mr. Osborne: If I could get some specific concerns. Inaudible... you nail down specifically the issue that concerns you with this PRD, I can address it with Mr. Hemminger and Miss Hopkins and get back with you.

Mr. McLaughlin: Inaudible...

Mr. Osborne: Yes.

Mr. McLaughlin: Would it help - I'm just asking the question, would it help to voice our concerns and send it back to the Planning Commission for...

Mr. Osborne: Yes.

Mr. McLaughlin: them to discuss and saying ...inaudible... here's what Jackson has, here's what Plain has, here's what Brunswick - let's get some other ones that are like ours, but send it back to them and say look guys we want this tailored to North - you know Canton...

Mr. Osborne: This has already been tailored to North Canton.

Mr. McLaughlin: I know.

Mr. Osborne: They interviewed...

Mr. McLaughlin: But Chuck, I know. But I think for everybody's peace of mind let's send this back with reservations, asking them to go over it one last time.

Mr. Osborne: That's fine.

Mr. McLaughlin: And then...

Mr. Snyder: It's only that one section.

Mr. Osborne: But...

Mr. McLaughlin: That one section only. And ask them to please, you know, and we can have them check around with the Plain and the Jackson and few other communities that have this, and just check it out one last time.

Mr. Osborne: D.B. Hartt is an expert in this field. They're well respected. They have devised this. And they know what's going on in the area. But I'll be glad to - if people could direct specifically what is your fear with this, they could address and answer it. I'm sorry you couldn't of made the hearing on the 18th, they would of addressed those questions. Specifically, tell me what your fears are and I will have them addressed, communicate with the Planning Commission, with anybody you want.

Mr. McLaughlin: Okay.

Mr. Osborne: Find out factual information so we're not just going hysterical and throwing it all out.

Mr. Lindower: Chuck, ...inaudible...

Mr. Osborne: Yes Mr...

Mr. Lindower: I'm a little bit confused on why we're sitting here making comparisons and talking about how the county does it and Jackson does and everything else. Okay, it's a different process. It appears to me as though the process of enforcing the PRD is not the issue right now, it's the content.

Mrs. Magel: Thank you.

Mr. Lindower: And I don't know why we're wasting the time talking about the process that it has to go through. If the content - and the only thing I hear tonight that sounds like it's of concern and I go along with Kathy on this, is the fact that we need a well defined green space or open area.

Unidentified: Common area.

Mr. Osborne: Well I'll be glad to read that.

Mr. Lindower: Well no, it needs to be - you talked about that. If you feel that that's only one of the glitches that we've got, I don't see what the hold up is. Why are we kicking around the idea of how it's processed in Jackson Township and in the county? It's got nothing to do with us, you just said that.

Mr. Osborne: I agree, I agree.

Mr. Lindower: So why we talking about it?

Mr. Osborne: Mrs. Hopkins said that. This is not coming me.

Mr. Lindower: That's where we wasted two and half hours or something I think before talking about this. We need to get into the actual content of that thing and talk about that.

Mrs. Kiesling: That's what I thought we were here for tonight. This is a committee meeting. Why aren't we going from the beginning of all the changes and talking about them? We haven't talked about one single thing D.B. Hartt has suggested, except for a PRD. Why are we not starting at the top - and we may spend two hours tonight, two hours two weeks from tonight, two hours two weeks from that night. Our public hearing cannot be until March. So we have until March to talk about every single issue on these two pages that I have in front of me and decide what we want to do, have a public hearing and go from there. I don't understand why we're - let's start from the beginning and start talking about them. Even the planned residential unit, let's talk about them. We're not talking about them. We are talking about what if's and what happened and who did it and who didn't. Let's talk about it. Let's define common open space. Let's define how much common open space. Let's make our recommendations. Let's write them on a piece of paper, take them back to D.B. Hartt, have D.B. Hartt revise them, come back to us. We have done nothing. I don't understand what we're doing here. This is a committee meeting, let's look at it and make our recommendations. Who are we waiting for? I'm totally confused. I'm obviously new and I've never done a zoning book, but committee meetings are to meet and discuss, you know here we are ...inaudible..., Chapter 1125, definitions, we need to - are we going to delete dwelling unit independent seniors? Are we going to delete planned residential development? We have a whole list of what we need to do, but we haven't done anything. Am I right?

Mr. Osborne: That is very much true Mrs. Kiesling.

Mrs. Kiesling: Okay. So we've spent 40 minutes talking about really nothing. So why don't we start at the top, give ourselves another half hour see how far we go, go on to the next whatever is on the agenda tonight and in two weeks start out where we ended tonight and set a public hearing whenever Mary Louise - whatever your date was, if she feels that's appropriate and let's work on it up to the public hearing date. Let's give ourselves a goal. Right now we have not goal - we have - we're in la la land.

Mrs. Magel: That's why I suggested let's take that off...

Mrs. Kiesling: I don't think...

Mrs. Magel: And then let's go.

Mrs. Kiesling: I don't think we need to take the PRD - I mean leave it here, get to it, let's talk about it, if we don't like what we're taking about then we take it out. But right now why do we even take it out before

we've even gotten to it? You haven't even gotten to it. Where is it on our stinking list? Planned residential - the definitions are the second on our list. But open space, I mean we've got - we've got a lot to talk about. If you think we're going to get this done by April or May at the rate we're going there's no way.

Mrs. Magel: Inaudible...

Mr. Osborne: I am just...

Mrs. Magel: If you take the PRD out the rest will go.

Mrs. Kiesling: Well then let's start with the first one, page 5, dwelling unit independent seniors. Are we deleting it? Explain it to me first whoever, Jim. We need to get Gene here. We - at these committee meetings we need people here who know ...

Mr. Osborne: People just continue to espouse misinformation. As I've said before

Mrs. Kiesling: Inaudible... anything.

Mr. Osborne: and I don't want to start this year out personalities, but Mrs. Magel you were chairman of this commission 1999, 2000, this was in there all those years.

Mrs. Kiesling: Right. Chuck, let's just stop. Stop.

Mr. Lindower: This has nothing to do with it.

Mrs. Kiesling: You're the chairman of the committee...

Mr. Osborne: I've had no input on this.

Mrs. Kiesling: let's start at the beginning.

Unidentified: Let's...inaudible...

Mr. Osborne: Well as I mentioned earlier...

Mrs. Kiesling: It doesn't matter what you two are doing.

Mr. Osborne: everybody address specific concerns.

Mrs. Kiesling: We need to do it.

Mr. Osborne: What is your concern that stops you with the PRD?

Mrs. Kiesling: I don't care about the PRD Chuck...

Mr. Osborne: Answer your question...

Mrs. Kiesling: Start from the beginning. Isn't that - why aren't we - we're not starting at - let's start at the beginning. We have...

Mr. Osborne: Well Mrs. Magel did this in all of 2000. Gene Hemminger has implemented these changes.

Mrs. Kiesling: She never came back to council though, did you? I mean have we ever seen this piece of paper and started from a starting point between the seven of us?

Mr. Osborne: I'm not a zoning expert and I'm not going to pretend I am. I depend on ...

Mrs. Kiesling: Neither am I Chuck.

Mr. Osborne: Denny Flechtner ...

Mrs. Kiesling: But in the end it comes back to us. Correct?

Mr. Osborne: the rest of the Planning Commission.

Mrs. Magel: Yes.

Mr. Osborne: Pardon Me.

Mrs. Kiesling: So we as seven need to talk about every single thing on this piece of paper.

Mr. Osborne: That would be fine.

Mrs. Kiesling: Somehow, somewhere, sometime...

Mrs. Magel: Someday.

Mrs. Kiesling: Exactly. So let's start now and in two weeks take up where we left off and two weeks from there. If we have to have extra meetings, have extra meetings. I...

Mr. Snyder: Let me offer ...inaudible... how many things on that paper? Let me offer a compromise since as you said we've been here bantering back and forth for 40 minutes and we didn't get anywhere. Let's take 10 minutes and address as many of these as we possibly can and then we'll move on to Mr. Foltz's committee, and we'll come back and next Monday, a week from - two weeks from now and address the next ten. It might take an extra month but we'll get it done in the order by then. But hopefully you will submit to Mr. Osborne, everybody within the next few weeks, your questions. So when we come to the PRD portion or ... whatever that thing is that we can - have to be able to adjust that. Is that ...

Mr. Foltz: Jon...

Mr. Snyder: Mr. Foltz.

Mr. Foltz: I'm going to try to hit the nail on the head right here.

Mr. Snyder: Alright - please.

Mr. Foltz: Okay. We answer to our constituents. We're dealing with developers looking at our zoning ordinances maximizing how many units or what development process they can use for a parcel of land.

Mr. Snyder: Right.

Mr. Foltz: Okay, I'm not trying to over simplify this, I'm just going to make some general statements. I've had problems in my ward with assisted living being put in neighborhoods that passed the Planning Commission. What I see here the PUD's, PRD's, is just a lot of ambiguous terminology written down. There is nothing confined as there is in an R50 and R70 and R2F. That's the problem.

Mr. Osborne: Write that down.

Mr. Foltz: Inaudible... just leaves the process. It might be creative, it might be a new way of thinking, but the problem is if you leave it the way it is, you might - I might have a question on every other point here and that's what scares me.

Mrs. Kiesling: I'm...

Mr. Foltz: And I've seen it throughout the county not work. We have a responsibility to our residents in these neighborhoods that where you see development to answer for their concerns. And when you leave this as ambiguous as it is and it doesn't come back to you in any form unless you've got five votes to override it, that's a serious situation as an elected official. And I'm not very comfortable with that type of an analogy. I hope everyone is following me here.

Mr. Osborne: Please...

Mr. Foltz: I don't see why the R50 or R70 or our other zoning doesn't work - the R2F. Why doesn't that work the way it is with refinement there? Why do we got to jump ship and look at a PUD.

Mr. Osborne: As I explained, you have to clear...

Mr. Lindower: It's overkill by putting it in.

Mr. Foltz: they clear zone a piece of property. They don't try and preserve certain terrain features that may be not be buildable.

Mr. Snyder: Now that's the assumption ...inaudible...

Mr. Foltz: That's the assumption. That's my analogy of what's happening here.

Mr. Snyder: Actually - may I - little bit I do know and I apologize, I'm not trying to be a know it all, but under this proposed planned residential development, it permits R50 and R70 the way we actually have it now between three and five units...

Mr. Foltz: Right.

Mr. Snyder: per acre depending on the designation. The advantage is to the developer normally to allow the density to be higher in a planned residential development versus a standard subdivision R50 or R70. However, I think we're smart enough to know we want to take that away.

Mr. Osborne: This - that's already taken care of.

Mr. Snyder: I understand that.

Mr. Osborne: We're density neutral.

Mr. Snyder: I follow that. But here - the problem is is not - you assume that every developer that would buy a piece would be like a forester and simply clear cut it. Now depending on the value of the land, they're going to use it - you know the people that developed Glenmoor did not do that and that was developed under our standard R70, that was in Jackson Township. Because of the aesthetic value of the trees and the size of homes they're going to do that. Now if you take a barren flat piece of ground and you got ten acres, obviously they're going to cut it flat and just put tracks of houses in there and with no consideration of what's going on. But I mean you have a - at the Washington Square you have a variance there, that's in a form a planned residential development. Those setbacks are anywhere from 25 to 20 to 30 feet, when we require 35 in a normal R70 subdivision.

Mrs. Magel: And they came back for every variance.

Mr. Snyder: Every particular variance.

Mrs. Magel: And so everyone knew what was going on.

Mr. Snyder: Exactly ...inaudible...

Mrs. Kiesling: Came back to planning or ...

Mrs. Magel: Planning.

Mr. Snyder: Planning.

Mrs. Kiesling: So obviously in our - if we do a PRD we need to put in a d,e,f whatever it ends on saying it's got to come back to council. I mean isn't this things we need to talk about?

Mr. Snyder: Well to the point where we have ...inaudible... the way we approve now R50's and R70's...
Mrs. Kiesling: Right.

Mr. Snyder: is - depending if the zoning is in place, it passes Planning Commission, it doesn't come - it only goes as a site plan review through planning. Now if you're to develop a new subdivision without the zoning, it does come before council. But if it is presently zoned under the R50, R70, you have no input into it. Only to the fact that they have to adhere to the existing ordinance. Inaudible... Mr. Foltz is trying to explain he wants to tighten that ability to make sure - So we're really arguing apples to oranges.

Mrs. Kiesling: Or arguing the same point essentially.

Mr. Snyder: More so than arguing the zoning designation, we should be ... we should be discussing the requirement to bring it to council after the approval...

Mrs. Kiesling: Right.

Mr. Snyder: of the Planning Commission. So that every member of council has the right to say well my constituency called me and we don't want that in there. So possibly we're just a little ahead of ourself here...

Mr. Osborne: Well if I may interject.

Mr. Snyder: Please.

Mr. Osborne: There is a process for the public to appear before the Planning Commission and to speak. They just don't arbitrarily do what they want. And they also are the experts.

Mr. Snyder: Well they're only required to the people that live - that are contiguous to the piece of property that is either being requested to be zoned or changed. The general public is not notified. And Mr. Bourlas will tell you, he's developed enough property, you're only required by the subdivision regulations to notify the adjacent contiguous property owners...

Mr. Osborne: That's true.

Mr. Snyder: on both sides. So you're talking...

Mr. Osborne: But there is a public hearing, Mr. President, when there are ...

Mr. Snyder: If it's a zone...

Mrs. Kiesling: Only when there's a zone change.

Mr. Snyder: Not on a change or request for zoning, but a property already zoned R50 or R70, you submit your plan and you submit -- And am I correct in that Mr. Benekos, you submit it to planning, it's approved and away it goes. The neighbors don't know about it.

Mr. Osborne: Inaudible... but they are public hearings.

Mrs. Magel: But they're not elected officials.

Mr. Benekos: As long as it meets the requirements of the zoning.

Mr. Snyder: Yea and the subdivision regulations it goes.

Mr. Benekos: Right.

Mr. Snyder: And the only...

Mr. Benekos: They're public...

Mr. Osborne: But that's done at a public meeting.

Mr. Benekos: They're public meetings, but they're not public hearings.

Mr. Osborne: They present their plans - I'm sorry.

Mr. Snyder: Yea, but they're not notified.

Mr. Foltz: Jon...

Mr. Snyder: Sir.

Mr. Foltz: Let me give you an example. I'm just going to read "b" on page 15. The bulk and height of buildings within the proposed development are compatible with the surrounding development. What does that mean?

Mr. Osbsorne: That's where you rely on the expertise of Mr. Hemminger and the Planning Commission.

Mr. Foltz: I'm going to rely on...

Mr. Osborne: There are a lot of ...

Mr. Foltz: integrity of the neighborhood that it's being built next to. Them calling me on the phone, that's going to tell me what's compatible with that. And when you put a 40 foot structure in a 20 foot high housing development that's not compatible. But that might be construed differently depending on who's looking at the process. And that's the problem.

Mr. Osborne: The new zoning code provides for much more controls than we have now. There are a lot of conditional approvals that maintain oversight of the whole process. And everybody's implying here that we're giving away the kitchen sink here.

Mr. Snyder: When that particular request that you just stated was written if you look in this book it also refers to the fact that we hire architectural review - be it a city employee or a certified architect.

Unidentified: Yea...

Mr. Snyder: That's who would make that determination. Well presently - the present zoning in R50 and R70 and RMF4 require heights and setbacks based on the original structure ...

Unidentified: Right.

Mr. Snyder: and that's what controls that from someone coming into a residential community and that's what we have to protect is the fact that somebody comes into a residential setting and puts in either a commercial building or a quasi building and it really, you know if it walks like a duck, it looks like it is a duck even though they have it in a some other uniform, it's still a duck and that's what they're worrying about. But I don't think we're getting anyplace here than puffing our own chest.

Mr. Osborne: We're not. We're not going to convince anybody here in this kind of forum. You're going to have to meet with Mr. Flechtner, call him up or Mr. Hemminger, call him up or Mrs. Hopkins, call her up. Address your concerns and let them from a experienced, knowledgeable point of view - we're just layman here. And a...

Mr. Snyder: Let me ask...

Mr. Osborne: talk with these experts let them clear up your concerns and then maybe we can get moving with this.

Mr. Snyder: Let me ask you would it not be - excuse me Mrs. Magel, I'll come right to you. Would it not behoove us to write our objections down and you forward them to them. Because time is money to those people and that if we don't do that...

Mr. Osborne: That's a good suggestion.

Mr. Snyder: And we'll write that...

Mr. Osborne: Anything ...

Mr. Snyder: And then you can call an additional meeting and then have those people present. But you know I mean maybe we - I think we ... no disrespect, I think we're just a little ahead of ourself here on this one.

Mr. Osborne: Okay.

Mr. Snyder: I mean that's my opinion I defer - Mrs. Magel you had your hand up and I'm sorry ...

Mrs. Magel: Alright as a committee member I would like to propose that we put on the agenda for next week the removal of the PRD.

Mr. Osborne: Without gathering...

Mrs. Magel: Inaudible...

Mr. Osborne: Without gathering more factual information?

Mrs. Magel: Temporarily.

Mr. Osborne: Well I'm going to...

Mrs. Magel: It's only so we can advance with the rest of the book, which I believe we can.

Mr. Osborne: Well I'd like to go on with the recommendation of Mr. Snyder that people organize their thoughts and/or include the fact that they would like to communicate with any of these three individuals and we'll have a conference call or arrange for a time period that they will be available to answer questions.

Mrs. Magel: Jon, he's speaking for you.

Mr. Snyder: May we...

Mrs. Magel: I called for the vote and you're the third member. He can't say what your vote is. What is it?

Mr. Snyder: I have no problem with that. Do you want to move the zoning ahead or do you just want to hold the whole thing up till we...

Mr. McLaughlin: No.

Mrs. Magel: No, I want to take the PRD out.

Mr. McLaughlin: Inaudible...

Mrs. Magel: Let's go - start with the...

Mrs. Kiesling: My page - my list...

Mrs. Magel: Let's go through the list.

Mrs. Kiesling: The list.

Mr. Snyder: Let me ask you this.

Mrs. Magel: Let's advance the book.

Mr. Snyder: I'm only.

Mrs. Magel: Which we'd better do.

Mr. Snyder: I'm just asking a question. Can we agree to some time frame that we will reconsider it in? I mean would you - are you opposed to that? That we say on such and such a date we will whether it be sometime - when is the public hearing?

Mrs. Kiesling: The earliest it can be is in early March.

Mr. Osborne: March 3rd is the very earliest we could...

Mr. Snyder: Well we really wouldn't be ready for that anyway would we? Or we're going to be ready for that?

Mrs. Kiesling: We work...

Mr. Osborne: We would have to in two weeks ...

Mrs. Magel: We could be.

Mrs. Kiesling: Inaudible... an extra meeting.

Mr. Osborne: we would set a public hearing, which will be March 3rd.

Mr. Snyder: Let me ask you this.

Mr. Osborne: That's 30 days required by law ...

Mrs. Kiesling: Inaudible... quite a few people came last time ...inaudible... Wednesday.

Mr. Osborne: and then after the hearing we would schedule - we would have our first vote. I was planning on having the first vote I believe it's the very first night of March 3rd and there's three readings so it takes six weeks...

Mr. Snyder: We going to start reading this next Monday - is that what you're going to do?

Mr. Osborne: No...

Mrs. Kiesling: We can't. We've got to have a public hearing first before we read anything.

Mr. Osborne: We'll schedule a public hearing next Tuesday - let's say the Monday - yea we meet next Monday. We'll schedule a hearing next Monday, thirty days in advance, into the future.

Mr. Snyder: I don't think that's how that works.

Mrs. Kiesling: It's got to be six weeks.

Mr. Snyder: I think it goes for the first reading next Monday and then we have another reading in two - it's not like we're rezoning something. We're actually...

Mr. Osborne: Well I checked with Mary Louise today...

Mr. Snyder: Roy ...inaudible... if you could give me some guidance on that. Am I correct in that, we would have three readings and then a public hearing.

Mr. Batista: No, that's not...

Mr. Osborne: That's not what Mary Louise told me.

Mrs. Kiesling: That'd be backwards.

Mr. Osborne: We will have the public hearing and then we'll have the three readings.

Mr. Snyder: Well we're ahead of ourself here a little bit I...

Mrs. Magel: We haven't even...

Mrs. Kiesling: We haven't done anything.

Mrs. Magel: done anything.

Mrs. Kiesling: But we can still set a goal.

Mr. Snyder: Well yea, but if it isn't changed how we going to have a public hearing? If we haven't changed what we're going to do, how we going to have a public hearing?

Mrs. Magel: I don't know.

Mr. Snyder: I mean...

Mr. Osborne: You'll have the public hearing, we'll get input from the public. If there's any changes they would take place right then and there and two weeks later we'd have our first reading.

Mrs. Kiesling: No, if you make any changes then you've got to have another public hearing, I would assume.

Mr. Batista: Inaudible... I think one of the things we'd have to look at is whether or not it has to go back to the Planning Commission. Now I really don't know how extensive the changes have been from the original text that was approved by planning.

Mr. Osborne: Very minor.

Mr. Batista: Two, two and a half years ago.

Mrs. Magel: I agree with that.

Mr. Snyder: Will a...

Mrs. Kiesling: It's just a page and a half...

Mr. Snyder: Will you...

Mr. Batista: Was it mostly language?

Mrs. Kiesling: two pages...

Mrs. Magel: Yes.

Mrs. Kiesling: Looks like it.

Mr. Batista: Not concept, it's simply language.

Mrs. Magel: No.

Mr. Osborne: Just very minor.

Mrs. Magel: We had a lot of mis-references. In other words it would say refer to 1173 and it really was supposed to be 1175.

Mr. Batista: Oh okay.

Mr. Snyder: Well can we do this, will you - let me offer this compromise. We'll move along that line and by no later than June we will have revised the PRD and we'll have made the decision collectively and under the democracy if it goes back in it goes back in. If the votes aren't there it don't go back in. Is that reasonable compromise?

Mr. Osborne: Well we'll need to schedule the public hearing.

Mr. Snyder: Well we will have to have a public hearing on that all by - go ahead and schedule your public hearing, less this PRD. And by June you will - we'll have submit to you to submit to them to change it the way everybody is happy.

Mr. Osborne: This is getting warped around. Let's just go back to our initial discussion.

Mr. Snyder: Okay.

Mr. Osborne: Please people address your concerns, either in writing or with a conversation with one of those three experts.

Mrs. Magel: This isn't turned around, I have a motion in committee.

Mr. Snyder: Here's the situation as I see it Chuck, and I - please somebody tell me if I'm wrong. We're going to just spin our wheels because when we get back out of the public hearing, you don't have support in this council to pass the conceptual zoning with the way the PRD is contained now.

Mr. Osborne: If each individual will address their concerns and get them answered...

Mrs. Kiesling: And then we change it before the public hearing.

Mr. Snyder: I think we missed - we got the cart - I don't think they want the PRD. The truth be known they don't want the PRD in the zoning period.

Mrs. Magel: In this form.

Mr. Snyder: In this form.

Mr. Osborne: But who here knows how to formulate it? We're layman here. We've had D.B. Hartt working on this since 1997. We have our own Planning Commission that has recommended this. We've had the individual members from the Planning Commission come down here, they're in support of this. Gene Hemminger is in support of it. We're almost a laughing stock.

Mrs. Magel: Sir, they are in support of a PRD ...inaudible...

Mr. Osborne: I'm talking Mrs. Magel, please. Thank you.

Mrs. Magel: Just tell the truth then.

Mr. Osborne: Now what is it I was wrong on...

Mr. Snyder: Wait now let's - excuse me ladies and gentlemen, let's move along. Is like May - March 15th too unrealistic to have the changes Mrs. Magel? Is that...

Mrs. Magel: These changes?

Mr. Snyder: No and along and also with the PRD. Is that too ambitious? That's approximately six, eight weeks.

Mrs. Magel: Yea, I can't do them both. That's why I'm saying take the PRD out, let's advance the rest of the book. In the meantime we'll be working on it, it's not like...inaudible...

Mr. Osborne: I am not going to go through another year like this. I will resign this chairmanship and let you take it over and let you spend another year...

Mr. Snyder: Please please Mr. Osborne - please Mr. Osborne don't ...inaudible...

Mr. Osborne: Well I'm sorry but...

Mr. Snyder: Control yourself.

Mr. Snyder: Let's see what we can compromise here. Let's all compromise. I would say sir and again I'm trying to be - to keep the thing moving ahead. I don't think at this point we have any choices of chairman. So unless you remove it it's not going to advance, even though we go through the public hearing. And you know I mean I'm just thinking you know I don't know what I'm saying. I don't know...

Mr. Osborne: As layman we can't sit here and hash this minutia in this kind of forum. I scheduled the meeting December 18th, unfortunately four of the members couldn't hear it, to dispel emotional misinformation and I think Mrs. Hopkins did a very good job of that. Now if there - we all can't be just talking back and forth because we're not the experts here. Just please consult with our experts and let them alleviate your concerns and then we'll address this again in two weeks.

Mr. Snyder: Now wait a minute, these people are very much and no disrespect Roy, much like attorneys. Every time that - we can't have seven people calling them.

Mr. Batista: Inaudible... disrespect.

Mr. Snyder: I didn't mean that disrespectfully.

Mr. Osborne: Well I'm talking about Mr. Hemminger...

Mr. Snyder: We can't them call on the phone...

Mr. Lindower: They're all the same.

Mr. Snyder: and the same with Gene Hemminger. He does have a job to do the mayor's going to call us up and say, you guys can't be calling every ... - you know I think I'm going to ...inaudible... and I know you people aren't going to like it, but I'm going to suggest we table this situation because honestly the more we go here, you're going to lose your temper.

Mr. Osborne: That's fine. We can table it. Well I apologize, I...

Mrs. Magel: Jon, make a decision...

Mr. Snyder: I...

Mrs. Magel: I have call for to put it on the agenda and take the PRD out. What's your...

Mr. Snyder: Will that move it ahead? Well - I mean I'm asking council. Will - is the majority - the only reason I'm - and that's not Roberts Rules of protocol, but do we have enough support if we remove the PRD, study it independently and by ...

Mr. Osborne: Can't we just take two weeks and clear it up and see if we can go through as a package?

Mr. Snyder: I don't think you'll get the support to be very honest with you.

Mr. Osborne: If you clear up your concerns with Mr. Hemminger.

Mrs. Kiesling: But can we come back with a goal? I mean I...

Mr. Snyder: Oh yea. I would like to see...

Mrs. Kiesling: I think it's...

Mr. Snyder: if we remove it, let's set a date to put it back in and consider it.

Mrs. Kiesling: I agree.

Mr. Snyder: Let's make it by June 1 we will consider it. No later than June - either consider it up or down, move on...

Unidentified: Well let's...

Mr. Snyder: I mean you owe that to both of these people that spent a lot of time.

Mr. McLaughlin: How about ...

Mrs. Kiesling: I can...

Mr. McLaughlin: and I understand I agree, I think let's move, let's pull it out, let's move forward, let's make the date May 1st ...

Mrs. Kiesling: I was going to say...

Mr. McLaughlin: the reason being...

Mrs. Kiesling: Right.

Mr. McLaughlin: that we can - we still have time to get some things done before we go to summer break.

Mr. Snyder: Well fine, I'll support that. Mrs....

Mr. McLaughlin: I think that May 1st is a very realistic - we can come back and review it and make sure that it's - make some changes.

Mr. Snyder: Mrs. Magel is that comfortable? Mr. Osborne?

Mr. Osborne: I don't want to pull it without people knowing the facts. If they're just going to make an emotional decision now, no I'm not going to support it.

Mr. Snyder: Inaudible... asking you.

Mr. Osborne: I'd like to wait two weeks. Can we wait two weeks and let them consult at some point in time the next two weeks with Mr. Hemminger and alleviate their concerns.

Mr. Snyder: I'll be honest with you sir and I'm not trying to be obstinate, but it won't do you any good two or two years. As long as it is not removed and considered independently, I honestly don't believe it's going to get passed. That's my opinion. Am I right in that, the members? Am I being...

Mr. Foltz: I agree with Kathy's proposal. Is that what you're asking Jon? That's my...

Mr. Snyder: Well I mean will you consider the removing and consider it...

Mr. Foltz: Yes.

Mr. Snyder: no later than May 1? Is that...

Mr. Foltz: Yes.

Mrs. Kiesling: And if we have time let's bring it before - I mean if we're going to have a public hearing in March...

Mr. Snyder: Yea, if we have time, fine.

Mrs. Kiesling: And we should be done with everything in March...

Mr. Snyder: I'll ...inaudible..

Mrs. Kiesling: and we should be able to bring it back before that.

Mrs. Magel: May 1st is the deadline.

Mr. Snyder: So you'll put the other on the agenda for next Monday?

Mrs. Magel: Inaudible... before that ...inaudible...

Mr. Osborne: I'm not going to vote to remove it without having the proper understanding and knowledge. If people on this council would speak to Mr. Hemminger and come back to me and says we don't like it, then I'll be glad to remove it. But until you get factual information from an expert, I'm not going to just vote emotionally here.

Mr. Snyder: Well I ...

Mr. Osborne: So you're basically telling me if you're going to remove it...

Mr. Foltz: Jon...

Mr. Osborne: Apparently you don't want to talk to your elected or your appointed officials and people who have degrees in this field.

Mr. Snyder: We are going to talk to them.

Mr. Osborne: Which is kind of sorry.

Mr. Snyder: No, they're going to talk to them but it won't be considered between now and the first of May.

Mr. McLaughlin: Can we wrap this up? Inaudible...

Mr. Snyder: Yea, that's what I'm saying.

Mr. McLaughlin: We've been at this for an hour now and it's just...

Mr. Snyder: Well...

Mr. McLaughlin: it's not - all we're doing is spinning our wheels ... inaudible...

Mr. Snyder: I said that. So that's - it will go...

Mrs. Magel: And the next time, after it's removed, we can start from the beginning. As Marcia had suggested and I bet we get ...inaudible...

Mr. McLaughlin: I think you got - I think you got six people that think if we remove and bring it back by May or have everything done by May 1st, I think you...

Mr. Osborne: I must say here I kind of gather that from D.B. Hartt's point of view we're kind of a laughing stock. We've exhausted our \$50,000.00, we've spent over six years messing with this. I went to a hearing down in Columbus with the Ohio Municipal League and they recommend reviewing your zoning code every five years. Well if it's going to take us six or seven or eight to pass it, it's going to be a - just please get factual information from your people that you depend on that do this and then come back and tell me that we don't like it.

Mr. Snyder: Okay...inaudible...

Mr. Osborne: Please.

Mr. Snyder: Okay.

Mrs. Magel: But it's on the agenda to be tabled for next week.

Mr. Snyder: We'll consider that - or to set the public hearing.

Mr. Osborne: Yea, we'll table it next week.

Mrs. Magel: Inaudible... it's on the agenda to - for removal of the PRD.

Mr. Snyder: And consider the rest of the book.

Mrs. Magel: Yea.

Mr. Snyder: And then the PRD considered no later than May 1.

Mrs. Magel: Okay.

Mr. Snyder: And the public hearing by ...

Mrs. Kiesling: In March sometime.

Mrs. Magel: That's good.

Mr. Snyder: March sometime. Thank you very much. Thank you all. I appreciate it.

Mr. Osborne: Thank you.

Mr. Snyder: Next is Chairman Foltz...